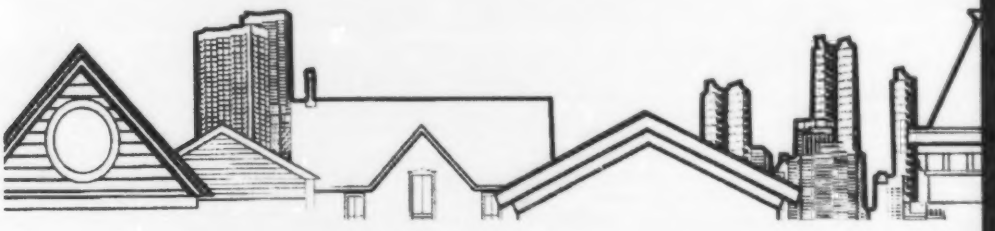
ACT CASE STUDY

INCREASING HOUSING IN RURAL COMMUNITY CENTRES

BEAUBASSIN PLANNING COMMISSION
CAP-PELÉ, NEW BRUNSWICK

ACT - Affordability and Choice Today



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AFFORDABILITY AND CHOICE TODAY (A•C•T) REGULATORY REFORM PROJECT

Increasing Housing in Rural Community Centres

Beaubassin Planning Commission
Cap-Pelé, New Brunswick

Prepared for:

Federation of Canadian Municipalities
Canadian Home Builders' Association
Canadian Housing and Renewal Association
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FOREWORD

The project documented in this case study received funding assistance under the Affordability and Choice Today (A•C•T) Program. A•C•T is a joint initiative, managed by the Federation of Canadian Municipalities, the Canadian Home Builders' Association, and the Canadian Housing and Renewal Association, together with the funding agency Canada Mortgage and Housing Corporation. The A•C•T Program is administered by the Federation of Canadian Municipalities.

A•C•T, which was launched in January 1990, was designed to foster changes to planning and building regulations and residential development approval procedures in order to improve housing affordability, choice and quality.

Through A•C•T, grants are awarded to municipalities, private and non-profit builders and developers, planners and architects to undertake innovative regulatory reform initiatives in municipalities across Canada. Three types of projects are awarded grants under the A•C•T Program: Demonstration Projects, Streamlined Approval Process Projects, and Case Studies (of existing initiatives).

- *Demonstration Projects* involve the construction of innovative housing that demonstrates how modifications to planning and construction regulations can improve affordability, choice and quality.

- *Streamlined Approval Process Projects* involve the development of a method or an approach that reduces the time and effort needed to obtain approvals for housing projects.

- *Case Study* grants are awarded for the documentation of existing regulatory reform initiatives.

Change and innovation require the participation of all the players in the housing sector. A•C•T provides a unique opportunity for groups at the local level to work together to identify housing concerns, reach consensus on potential solutions, and implement actions. Consequently, a key component of A•C•T-sponsored projects is the participation and cooperation of various players in the housing sector in all phases of each project, from development to realization.

All projects awarded a grant under the A•C•T Program are documented as case studies in order to share information on the initiatives and the benefits of regulatory reform with other Canadian communities. Each case study discusses the regulatory reform initiative, its goals and the lessons learned. Where appropriate, the cost savings resulting from modifications in various planning, development and construction regulations are calculated and reported.

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PROJECT OVERVIEW

In the two decades since the provincial *Community Planning Act* was adopted, New Brunswick has seen a remarkable increase in its non-agricultural rural population. Existing land-use planning regulations and procedures have proven incapable of adequately managing this growth. As a result, unrestrained development in rural areas is threatening the province's natural resources and creating unsustainable communities. In 1992, the provincial government established the Commission on Land Use and the Rural Environment (CLURE) to study the situation and to recommend ways to improve the land development process in New Brunswick. Following CLURE's recommendations, the province created, as a pilot project, the Beaubassin East Rural Community.

An important focus of the newly created Beaubassin East Rural Community is to examine ways to control sprawl and enhance community life in rural areas. As part of this effort, in spring 1996, the Beaubassin Planning Commission (BPC), on behalf of the Beaubassin East Rural Community, applied for and received an A•C•T grant in order to modify provincial regulations so as to permit increased densities in non-serviced rural community centres. As a result of these regulatory changes, property owners in designated community centres can now build a single-family home on a 2,000 square metre lot, one-half the previous minimum lot size. The revised zoning bylaw also permits the construction of a second building on a 4,000 square metre lot containing a single-family home.

Given that current standards for lot size are based on the belief that at least 4,000 square metres are required to accommodate an individual septic tank for a single-family dwelling, the key to increasing residential density in non-serviced rural areas was to identify alternative ways to treat wastewater in a manner that protects the environment and maintains health standards. To this end, the Planning Commission conducted research on innovative types of sewage and storm-water drainage systems, and assessed the feasibility of installing "shared" or community septic systems to dispose of wastewater.

The new zoning regulations will enable the Beaubassin East Rural Community to offer its citizens a wider range of affordable housing. For example, the second building can be used to accommodate a workshop or home-based office, or an elderly relative who no longer can or wishes to live alone. Furthermore, by creating more compact communities, BPC hopes to improve the overall quality of life in rural areas.

This initiative will also increase both the speed and flexibility of the development approval process, by transferring decision-making and planning powers from provincial to local authorities. These changes reduce the time required for obtaining a permit for constructing a second housing unit on a 4,000 square metre lot from one year to 6-12 weeks, a time savings of about nine months.

The results of this A•C•T project are transferable to other Canadian rural communities concerned with managing growth in an environmentally responsible way. This project builds on initiatives taken in other provinces to create more compact communities. For example, the revised regulations incorporate the new guidelines for land development standards published by the Ontario Ministries of Municipal Affairs and Housing.

1.0 PROJECT DESCRIPTION

1.1 The Land-Use Planning Context in Rural New Brunswick

Many communities in rural New Brunswick are feeling the unwanted effects of urban sprawl blurring the line—both literally and figuratively—between rural and urban. This is mainly due to current rural land-use development patterns and development approval processes. In rural centres, lots are typically developed in parcels of 4,000 square metres (one acre), which tends to limit housing choice and encourage sprawl. Attenuating the problem is a complicated, and often inflexible development approval process, which stifles change and innovation in the housing sector. In non-incorporated areas of New Brunswick, the responsibility for land-use planning and service provision lies with the Province rather than with local governments.

In response to growing concerns about the state of land development in rural New Brunswick, in 1992, the provincial government established the Commission on Land Use and the Rural Environment (CLURE)[1] to study the situation and to propose ways to reform the regulatory framework. Following the Commission's recommendations, the province created, as a pilot project, the Beaubassin East Rural Community[2], which amalgamates several rural communities located in Southeastern New Brunswick. Figure 1 overleaf contains a map of the Beaubassin East Rural Community.

Beaubassin Planning District

The newly formed Beaubassin East Rural Community is part of the Beaubassin Planning District, located to the east of Moncton. The District comprises three municipalities—the Village of Cap-Pelé, the Village of Memramcook and the Town of Shédiac—and a non-incorporated zone. The District, which measures 810 square kilometres, is home to more than 22,600 people, of which 10,741 live in non-incorporated areas.

The principal economic activities in the District are agriculture, fishing and tourism.

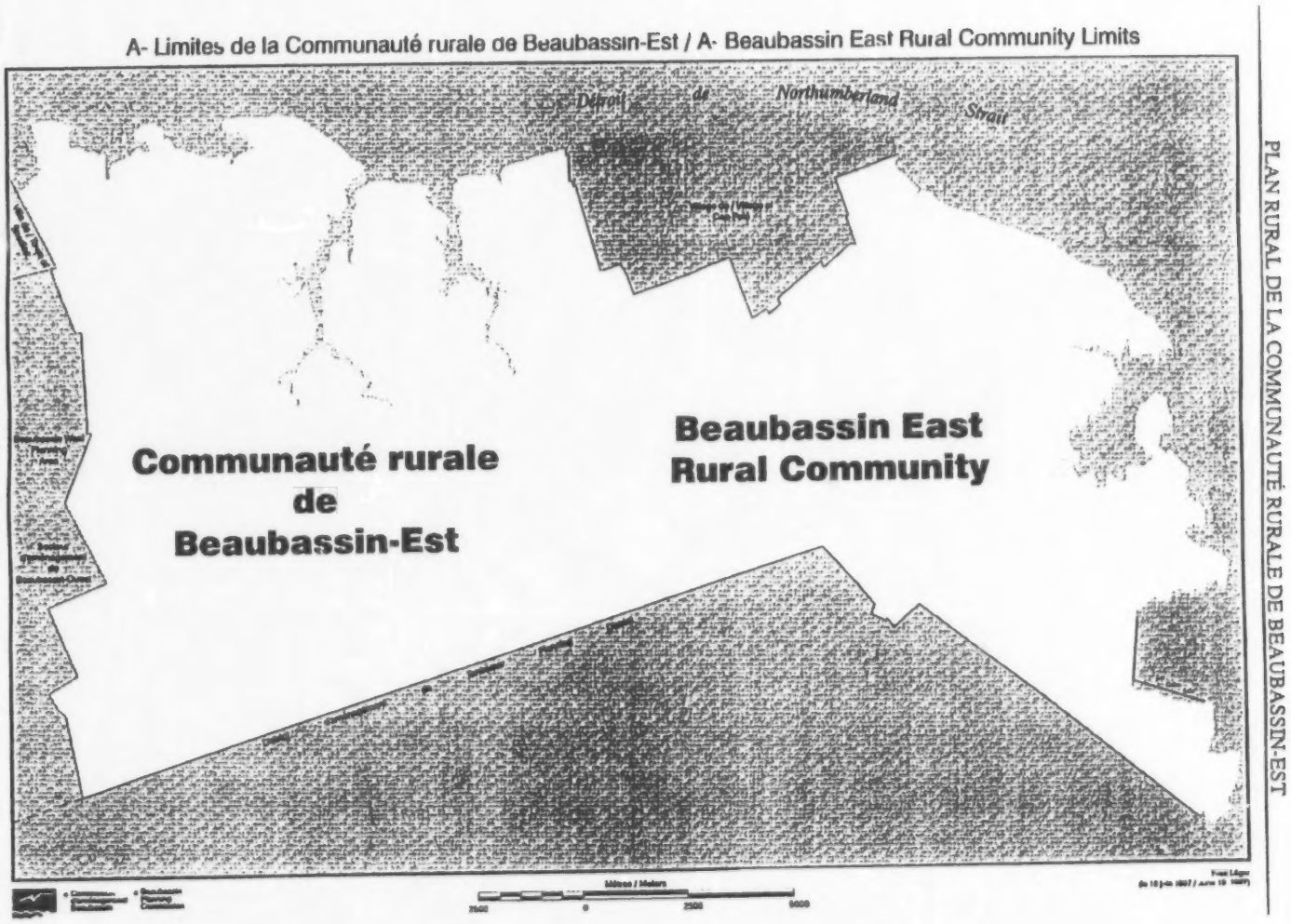
1.2 A•C•T Project Objectives

In the context of an overhaul of the land development process in rural New Brunswick, the Beaubassin East Rural Community, with technical assistance from the Beaubassin Planning Commission (BPC), is examining ways to concentrate development in rural centres in order to curtail sprawl and to provide its citizens with greater housing choice and affordability. In spring 1996, the BPC was awarded an A•C•T grant on behalf of the Beaubassin East Rural Community to modify provincial regulations in order to achieve these objectives.

An ancillary goal of this A•C•T initiative is to speed up the development approvals process by transferring decision-making and planning powers from provincial to local authorities.

[1] In French, la Commission sur l'utilisation des terres et l'environnement rural (CUTER).
[2] In French, la Communauté rurale de Beaubassin-Est.

Figure 1. Map of the Beaubassin East Rural Community



Source: ***Plan rural***, Beaubassin East Rural Community, June 1997.

1.3 Consultation and Cooperation

This project benefited enormously from a very broad base of community support and involvement. Initial consultation with a wide range of local groups pointed to two major stumbling blocks to providing constituents with appropriate and adequate housing: a lack of housing options and the inflexibility of the existing regulatory framework.

A steering committee was formed to oversee this A•C•T initiative. The 13-member committee was comprised of representatives of 12 different organizations, including the local building industry, municipalities, planning commissions and provincial ministries involved in housing. Appendix A contains a complete list of steering committee members. Today, the steering committee continues to serve as a liaison between the building industry and government. Its primary role is to oversee the effectiveness of the changes made to the development approval process.

1.4 Project Activities

The A•C•T grant was used to

- examine and analyze existing documentation on the regulatory environment in the BPC and other planning commissions,
- review alternative sewage treatment systems,
- revise existing zoning regulations and the development approval process,
- hold public hearings, and
- prepare public information materials.

2.0 PROJECT RESULTS

2.1 Review of Alternative Sewage Treatment Systems

A significant obstacle to increasing residential densities in non-serviced rural areas is the Department of Health and Community Services (DHCS) requirement that a lot be at least 4,000 square metres in order to accommodate an individual septic tank. The individual septic tank is the system most commonly used to treat wastewater in non-serviced rural areas. In the Beaubassin East Rural Community, almost all households rely on this type of system. A major drawback to this type of system, however, is that it requires a relatively large leaching field to dispose properly of the wastewater generated by a single household. Therefore, critical to encouraging more compact residential development in rural areas is the identification of alternative means of treating wastewater in a manner that respects both the natural environment and government health standards.

> *"We had to find viable sewage treatment systems that could be installed on a smaller lot than the one used for the septic tank."*
>
> —Evode R. Rwagasore, Urban Planner, Beaubassin Planning Commission

Research conducted by BPC identified several wastewater treatment options that would permit higher residential densities:

Community Disposal Field

This is, in essence, a large version of the individual septic tank. A collector sewer system serving a group of homes channels wastewater into a common septic tank and central leaching field. The community disposal field is a good alternative for a cluster of houses on smaller lots and for new subdivisions. However, it requires community management.

Artificial Pond

An artificial pond is a manmade wetland that treats wastewater naturally. As a result, it poses no danger to the environment. Serving 300 to 500 people, this system can be used in all seasons and requires little maintenance.

Land Treatment

This is an efficient and environmentally sound system that uses natural forces, rather than a chemical or mechanical process, to purify wastewater. Using this system, wastewater is first treated in a lagoon then sprayed on fields as fertilizer. One drawback to land treatment is that it requires a relatively high degree of control and administration.

Peat Bed Sewage Disposal System

Approved for use by the State of Maine's Health Department, this disposal system uses an ordinary septic tank outfitted with a peat bed to filter bacteria. The advantages of this approach are that it meets drinking water standards, it can be managed by the individual homeowner, and it can be used for many soil types and for sites smaller than 2,000 square metres.

Having evaluated the various alternatives, BPC found the Peat Bed Sewage Disposal System to be the most promising. However, any of the above options could be acceptable, depending on site conditions and project characteristics.

DHCS, which is responsible for approving changes to regulations governing lot size, is presently in the process of reviewing various wastewater treatment systems and revising the Health Act to permit acceptable alternatives. Currently, when an application is made to build a second unit on a standard single-family lot, the suitability of the alternative system proposed for use is assessed on a project-by-project basis.

2.2 Changes to Regulations

Prior to the start of the A•C•T project, the Community Planning Act was modified to enable a Rural Community to create its own rural plan which contains zoning regulations that reflect local housing needs and characteristics. After a lengthy public consultation process, New Brunswick's first rural plan was adopted by Beaubassin East Rural Community, in accordance with the Community Planning Act, and approved by the Department of Municipalities and Housing (DMH) in August 1997. The rural plan was prepared with technical assistance from the BPC.

The rural plan includes zoning regulations which allow residents in a designated community centre that is not served by a public sewer system, to construct, relocate, alter or replace a second principal dwelling on an existing single-family lot measuring 4,000 square metres; or to develop lots measuring 2,000 square metres, using a sewage disposal system approved by the province. Provisions of the new zoning bylaw are found in Appendix B.

Previously, a property owner wishing to subdivide land into parcels smaller than 4,000 square metres was unable to do so without a long and complicated approvals process involving several government agencies.

2.3 Changes to the Development Approval Process

An application to construct a second building on a lot typically requires rezoning or a variance to zoning and subdivision requirements. The new zoning regulations contained in the rural plan will accelerate the development approval process for this type of construction project by up to nine months (from one year, to 6-12 weeks). It eliminates a series of procedures related to obtaining a variance from, or modifying, a zoning bylaw, such as

- a variance from the Planning Commission (a time savings of one to two months),
- changes to the Municipal Development Plan or the Basic Planning Statement (a time savings of three to nine months), and
- rezoning applications (a time savings of three to six months).

> *"People live in the country to have more space. It is therefore appropriate that small industries such as carpentry workshops or home businesses be permitted without requiring a rezoning process."*
>
> –Ola Drisdelle, President,
> Beaubassin East Rural Community[3]

[3] Cited in ***Moncton Times***, November 13, 1996.

2.4 Public Information Materials

In an effort to expedite further the development approval process for residential projects, BPC has produced a series of brochures to inform and educate citizens about various aspects of the land development process in the Beaubassin Planning District. The series called "Citizen's Guide" includes the following titles:

- ***The Building and Development Permit;***
- ***Subdividing Your Land;***
- ***What is Zoning?;***
- ***New Planning Perspectives;***
- ***Variances and Minor Adjustments; and***
- ***Responsibility of Permit Holder.***

Appendix C presents, as an example, the brochure entitled **New Planning Perspectives**, which focuses on BPC's efforts to increase density in rural community centres.

3.0 The Community and Key Players

3.1 Planning in Rural New Brunswick

3.1.1 New Brunswick's Commission on Land Use and the Rural Environment

As mentioned above, CLURE was established by the Government of New Brunswick in 1992, in response to mounting concern over unrestrained growth in rural areas of the province. At that time, New Brunswick had the fastest growing population in Canada in non-agricultural rural areas. About 40 percent (288,190) of New Brunswick's population lived in non-incorporated areas.[4] In April 1993, CLURE published a report presenting its findings and recommendations. Among other things, it found that poorly managed development and inadequate administrative structures were compromising provincial resources and adversely affecting quality of life in rural communities.

3.1.2 Rural Communities

If residents of a rural area demonstrate that they are prepared to work as a community to direct future development, a Rural Community encompassing the area in question can be created by the Province on the recommendation of the Minister of Municipalities and Housing.

Before this regulatory reform, those living in non-incorporated areas in New Brunswick had no opportunity to be governed locally. Services such as fire, police and land-use planning were provided by the DMH.

Residents of a Rural Community are represented in their new local government by an elected Rural Community Committee comprising up to nine members. The primary responsibilities of the Rural Community Committee are to make recommendations to DMH concerning the provision of local services and to make planning-related decisions for the community. A Rural Committee enjoys virtually the same planning powers as a municipal council. It can, for example, adopt its own rural plan and decrees as set out by the *Community Planning Act*. However, it does not have the power to tax or manage its own budget.

3.1.3 The Rural Plan

As with all land-use planning in New Brunswick, rural planning is conducted according to provisions of the *Community Planning Act*. Until recently, the *Community Planning Act* set out two ways in which planning could be accomplished in rural areas: the Basic Planning Statement and the Area Plan. Neither of these planning tools has proved to be well suited to rural areas. To give residents in rural areas a more appropriate and effective tool for planning the development of their communities, the *Community Planning Act* as well as the *Municipal Act* were amended to create a new planning instrument: the rural plan.

The rural plan is specially tailored to suit the needs and characteristics of rural areas. It stresses the importance of developing strategic goals with full community participation. The rural plan has several advantages over previous planning mechanisms used in rural New Brunswick. For example:

- it is more flexible to use and administer;
- it consolidates development objectives and zoning provisions into one document;
- it focuses on land-use issues that are specific to rural areas;

[4] ***1991 Census,*** Statistics Canada.

- it speeds up the development approval process; and
- it offers an improved public participation process.

3.1.4 Rural Community Centres

In order to reduce sprawl and create more compact communities, Beaubassin East Rural Community's new rural plan designates some areas as rural community centres. Commercial, institutional and higher density residential uses that are common to village centres, such as credit unions, convenience stores and small apartment buildings, will be permitted in these zones. Concentrating development in community centres is intended to offer citizens more development choices, optimize public infrastructure and services, conserve land and resources, and improve drinking water management. Appendix D contains a map showing the proposed site for a community centre.

There are six rural community centres in Beaubassin East Rural Community, each home to approximately 50 residents.

3.2 Key Players

3.2.1 The Beaubassin Planning Commission

The Beaubassin Planning Commission is one of the smallest of the 12 planning commissions in New Brunswick. It guided this A•C•T initiative from development to final approval, providing technical assistance to the Beaubassin East Rural Community Committee. BPC is also responsible for ensuring that, when an application is made for a permit under the new regulations, the project conforms to the zoning bylaw and meets local land-use planning objectives.

3.2.2 Beaubassin East Rural Community Committee

In May 1995, the provincial government created the Beaubassin East Rural Community as a pilot project. The Beaubassin East Rural Community joins together six small rural communities in eastern New Brunswick with a population of approximately 6,000 and a tax base slightly in excess of $150 million. The Beaubassin East Rural Community Committee, which represents these residents, was consulted throughout the project and approved the changes to the zoning bylaw.

3.2.3 Department of Health and Community Services

Representatives from the Department of Health and Community Services participated on the steering committee overseeing the A•C•T project. DHCS played an important role in the success of this project by supporting the modifications to the zoning bylaw. Furthermore, DHCS is responsible for examining the soil type and determining the individual wastewater system to be used for each project application.

3.2.4 Department of Environment

The Department of Environment also participated on the A•C•T steering committee. The Department of Environment is consulted when a proposed development project is located in an environmentally sensitive area. In addition, the Department of Environment must approve any application to install a community wastewater treatment facility.

4.0 Regulatory Reform Initiatives and Impact on Affordability, Choice and Quality

This A•C•T project put in place a regulatory instrument designed to stimulate greater housing variety and affordability, and improve the quality of life of rural communities.

The new zoning bylaw contained in the new rural plan can provide property owners with time and cost savings, additional income and greater housing choice. The new zoning bylaw allows residents to build on a 2,000 square metre lot, one-half the previous minimum size, and to construct a second building on a standard single-family lot containing a principal residence. The additional unit can serve, for example, as a granny flat to house an elderly relative requiring some support or to accommodate an office or workshop for a home-based business.

These changes in land development standards were achieved at no cost to the natural environment or health standards. Following a review of alternatives to the individual septic tank, BPC found that it was most feasible to install "shared" or community septic systems to dispose of gray water. Other rural jurisdictions can also benefit from adopting regulatory changes that permit alternative wastewater treatment systems.

Furthermore, a property owner planning to subdivide a standard single-family lot into two 2,000 square metre lots benefits from regulatory changes that speed up the development approval process from one year to 12 weeks or less.

To date, no applications have been made under the new regulations. This demonstrates that regulatory change is only the first step toward the creation of compact communities. To succeed, it is crucial that key organizations such as local planning agencies and provincial government departments work together to promote densification.

In addition, the rural community centre concept could have an important impact on land-use planning in rural areas in New Brunswick, and perhaps across Canada. By concentrating development in community centres, the rural plan encourages a more efficient use of land on the urban edge, and, as a consequence, reduces sprawl. The Beaubassin Planning Commission envisions the rural community centre as an economically active and interesting place to live.

The lessons learned from this project are particularly relevant to other non-incorporated areas in New Brunswick that are considering becoming a rural community and preparing a rural plan. The land development standards created by this A•C•T initiative are also transferable to other growing communities in rural Canada that wish to guide development in an environmentally sound manner.